

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SECOND AMENDMENT ARMS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 10-CV-4257
)	Judge Robert M. Dow, Jr.
CITY OF CHICAGO, et al.,)	Magistrate Judge Sheila M. Finnegan
)	
Defendants.)	

DEFENDANTS' STATUS REPORT

Pursuant to the Court's Order dated August 1, 2013, Defendants City of Chicago (the "City"), Mayor Rahm Emanuel, Superintendent of Police Garry McCarthy, and Chicago City Clerk Susana Mendoza (collectively, "Defendants"), by their counsel, Stephen R. Patton, Corporation Counsel of the City of Chicago, hereby submit their status report.

1. At the status hearing held on August 1, 2013, Defendants informed the Court that an ordinance had been introduced into the Chicago City Council that would likely affect the viability of several claims set forth in Plaintiffs' Third Amended Complaint. The ordinance was scheduled to be debated and voted upon by the City Council on September 11, 2013. In light of the proposed ordinance, the Court stayed any response to the Third Amended Complaint until further notice. The Court continued the matter for further status on September 19, 2013, and requested that the parties file a joint status report by September 17, 2013.¹

¹ On September 16, 2013, Defendants' counsel telephoned David Sigale, counsel for Plaintiffs, about the preparation of the joint status report. Defendants' counsel informed Mr. Sigale that he should draft the status report because he should initially determine whether the ordinance enacted by the City Council on September 11, 2013 affects the viability of any claims asserted in the Third Amended Complaint. Mr. Sigale did not disagree, and at Mr. Sigale's request, Defendants' counsel sent Mr. Sigale a copy of the ordinance that was passed along with a list of claims the City believed would likely be mooted by the September 11, 2013 ordinance. Defendants' counsel sent an e-mail to Mr. Sigale confirming the conversation. Defendants'

2. On September 11, 2013, the City Council passed the ordinance. Based on that ordinance, and another ordinance passed by the City Council on July 17, 2013, it is Defendants' position that Counts III, IV, V, VI, and VIII are now moot. Defendants therefore intend to move to dismiss them, as well as Count X, which contains Plaintiffs' claim under the Dormant Commerce Clause.

Date: September 17, 2013

Respectfully submitted,

STEPHEN R. PATTON
Corporation Counsel for the City of Chicago

By: /s/ William Macy Aguiar
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counsel also left Mr. Sigale a voicemail message on the morning of September 17, 2013, inquiring about the status report. Having heard nothing from Mr. Sigale by the late afternoon, Defendants prepared this report.